

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 06- 14

AN ORDINANCE AMENDING THE TIGARD MUNICIPAL CODE TO ADD A NEW  
CHAPTER 7.38 - TRUANCY

---

WHEREAS, the City of Tigard finds that it furthers the interests of the City to encourage children to regularly attend school; and

WHEREAS, children between the ages of 7 and 18 who have not completed the twelfth grade are required under state law to regularly attend school; and

WHEREAS, under state law there is no fine or penalty attached to a child failing to regularly attend school; and

WHEREAS, the City of Tigard finds that special circumstances exist that call for the special regulation of minors within the City in order to protect them from being victimized and enhancing the overall public safety of the community;

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard Municipal Code is amended by adding a new Chapter 7.38 Truancy to read as follows:

**7.38.010 - Regular School Hours Defined.**

For purposes of this Section, "regular school hours" are the hours of the full-time school that the minor would attend in the school district where the minor resides, on any day that school is in session, or, if the school in the school district of residence is unknown, "regular school hours" are the school hours of the Tigard-Tualatin School District on any day that school is in session.

**7.38.020 - School-Aged Children to be in School During School Hours.**

A minor who is at least seven (7) years of age and under eighteen (18) years of age and who has not completed the 12<sup>th</sup> grade may not be upon any public property or public right of way during regular school hours except while attending school as required by ORS 339.010 to 339.065, unless the minor is:

- a. Absent from the school with the school's permission, but not including students who have been suspended or expelled; or

- b. Engaged in a lawful pursuit or activity that requires the minor's presence somewhere other than school during regular school hours, and which is authorized by the parent, guardian, or other person having legal care and custody of the minor; or
- c. Lawfully emancipated pursuant to ORS 419B.550 to 419B.558; or
- d. Exempt from compulsory school attendance pursuant to ORS 339.030.

**7.38.030 - Authority to Detain and Inquire**

If a police officer has reasonable suspicion to believe that a minor is in violation of this Section, the officer is authorized to detain the minor and make reasonable inquiry regarding a potential violation of Subsection 2 of this Section.

**7.38.040 - Child to Be Returned to School or Taken Into Protective Custody**

If a police officer has probable cause to believe that a minor is in violation of this Section, the officer is authorized to return the minor to the custody of the school. If the minor refuses to go to the school, the officer is authorized to take the minor into protective custody.

**7.38.050 - Additional Authority.**

This chapter is not intended to in any way limit the authority of a police officer to take any other action authorized by law, including taking a minor into protective custody for reasons other than those stated in Section 7.38.040.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 8<sup>th</sup> day of August, 2006.

Catherine Wheatley  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 8<sup>th</sup> day of August, 2006.

C. Dirksen  
Craig Dirksen, Mayor

Approved as to form:

Ray Zetter  
City Attorney

Date: 8/8/06